

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 05/19/10 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Bar-el discloses a transmission system (video server, 11; Fig. 1) which receives video from a source (from storage or a live feed), combines the video with advertisements from storage (Fig. 2; page 14, line 8-page 16, line 10) then delivers the combined stream to viewers (page 11, line 20-page 12, line 15). Although Bar-el discloses transmitting the video over the Internet to be received by a media player at the subscriber location (Realplayer; page 8, lines 15-18 and page 7, lines 13-19), he doesn't specifically disclose receiving the video as digital data not yet encoded for streaming and encoding the video for streaming..

Chen was then relied upon for disclosing a transmission system (110, Fig. 1) which receives digital content from a source (live or recorded sources, 112; column 6, lines 1-28) which is not yet encoded for streaming and will encode the digital content for streaming over the Internet (column 6, lines 1-28 and column 1, lines 35-58).

Finally, Srinivasan was relied upon to disclose the starting and ceasing of the data from each source as they are combined into one stream (paragraph 201-204). Thus, it is the combination of references which meet the overall claim limitations.

Although applicant's newest amendments indicate that the data is now "digital data", there do not appear to be any specific arguments directed to this limitation and how applicant feels that this amendment overcomes the current rejections.

It is noted, however, that Bar-el, Chen and Srinivasan all disclose the use of "digital" data.

See Bar-el at Fig. 1-2; page 7, lines 13-19 and page 11, lines 8-13.

See Chen at column 6, lines 1-28.

See Srinivasan at paragraph 201-204.

On pages 18-19, although applicant argues that the Official Notices for claim 13, 43, 58 and 69 are unsubstantiated and that the Office Action fails to provide any evidentiary support, it is noted that Eldering (6,704,930) has already been provided (and repeatedly indicated to applicant) as showing those features.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-7, 10, 12, 13, 20, 21, 26, 27, 30, 33, 34, 36, 39, 40-48, 55-59, 62 and 66-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el (WO 99/26415 A1) (of record) in view of Chen et al. (Chen) (6,480,547) (of record) and Srinivasan et al. (Srinivasan) (US 2001/0023436 A1) (of record).

As to claims 1, 30, 46 and 47, Bar-el discloses a system (Fig. 1-2), comprising:

a media delivery device having a media device driver associated therewith (page 11, lines 20-22);

a flow control system (26) being independent of and communicating with said media delivery device (Fig. 2) and with a stored data source (22, Fig. 2), wherein said flow control system is configured to receive digital data from said media delivery device and from said stored data source (Fig. 2; page 12, lines 3-9), wherein said flow control system receives commands from a data control manager (page 14, lines 14-page 15, line 5) to control the flow of said media delivery device data and said stored data source data (page 14, line 8-page 16, line 10), so as to directly pass a controlled flow of digital data as a composite information stream from said flow control system (Fig. 2 and 4; page 16, lines 4-10) for a media player (page 8, lines 15-18), the composite information stream being made available for delivery over the internet to the media player (page 8, lines 15-18 and page 7, lines 13-19).

While Bar-el discloses where the data may be stored content or real-time content (Fig. 2; page 11, lines 20-21) and wherein the composite information stream is encoded for streaming over the Internet (page 7, lines 13-19 and page 8, lines 15-18), he fails to

specifically disclose receiving unencoded data not yet encoded for streaming and passing the unencoded data to a media encoder for encoding into an encoded information stream for a media player and ceasing passing data from said media delivery device, beginning passing data from said stored data source, ceasing passing data from said stored data source and returning to pass data from said media delivery device.

In an analogous art, Chen discloses a media distribution system (Fig. 1) in which unencoded digital data not yet encoded for streaming (column 6, lines 10-21) is passed to a media encoder for encoding the data into an encoded information stream for a streaming media player (column 5, lines 1-28) for the typical benefit of allowing any type of video content to be transmitted as streaming content (column 5, lines 1-28 and column 1, lines 35-47).

Additionally, in an analogous art, Srinivasan discloses a media distribution system (Fig. 1; paragraph 201-202) which using a flow control system to create a composite stream from two separate media sources (paragraph 203-210) by passing digital data from a media delivery device (paragraph 204), ceasing passing data from said media delivery device (paragraph 204), beginning passing digital data from said stored data source (paragraph 204), ceasing passing data from said stored data source (paragraph 204), and returning to pass digital data from said media delivery device (paragraph 204) for the typical benefit of providing a means for providing personalized advertisements within commercial breaks within a video stream (paragraph 203-204).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include receiving unencoded data not yet encoded for streaming and passing the unencoded data to a media encoder for encoding into an encoded information stream for a media player, as taught in combination with Chen, for the typical benefit of allowing any type of video content to be transmitted as streaming content.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el and Chen's system to include ceasing passing data from said media delivery device, beginning passing data from said stored data source, ceasing passing data from said stored data source and returning to pass data from said media delivery device, as taught in combination with Srinivasan, for the typical benefit of allowing any type of video content to be transmitted as streaming content.

As to claim 4, Bar-el, Chen and Srinivasan disclose wherein said media delivery device provides live data (page 11, lines 20-21).

As to claim 5, Bar-el, Chen and Srinivasan disclose wherein said media delivery device provides a television broadcast (see Chen at column 6, lines 20-28 and Bar-el at page 11, lines 20-21).

As to claim 7, Bar-el, Chen and Srinivasan disclose wherein said stored data includes commercial advertisements (page 14, lines 14-21 and page 12, lines 3-9).

As to claim 10, Bar-el, Chen and Srinivasan disclose wherein said flow control system provides updated information about said media delivery device data (page 12, line 20-page 14, line 7).

As to claim 12, Bar-el, Chen and Srinivasan disclose wherein said flow control system is located in an electronic unit that is physically separate from said media delivery device (Fig. 1 and 2).

As to claim 13, while Bar-el, Chen and Srinivasan disclose a flow control system module (Fig. 2) and further comprising a data control manager module for passing control instructions to said flow control system (page 14, line 8-page 16, line 16) residing within a computer server (page 7, lines 13-14), they fail to specifically disclose software modules.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize software modules running on a computer processor to perform the functionality of different hardware components so as to lower the cost and complexity of equipment by reducing the number of different required internal pieces.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan's system to include software modules for the typical benefit of lowering the cost and complexity of equipment by reducing the number of different required internal pieces.

As to claim 20, Bar-el, Chen and Srinivasan disclose wherein said flow control system monitors said media delivery device data for a control signal (page 14, lines 14-24), and wherein said flow control system signals a data control manager of receipt of said control signal (page 14, lines 14-page 15, line 5), and wherein said data control manager controls said flow control system in response to said control signal (page 14, lines 14-page 15, line 5).

As to claim 21, Bar-el, Chen and Srinivasan disclose wherein said control signal is an elapsed time (page 14, line 14-page 15, line 5).

As to claim 26, Bar-el, Chen and Srinivasan disclose wherein said media delivery device data is a television broadcast (column 6, lines 10-28).

As to claim 27, Bar-el, Chen and Srinivasan disclose wherein said stored data is an advertisement (page 14, lines 14-21 and page 12, lines 3-9).

As to claim 59, Bar-el discloses a method (Fig. 1-2), comprising:

obtaining a first set data set of digital data (22, Fig. 2; page 11, lines 8-13),  
receiving a request for transmission of at least a second data set of digital data  
(page 11, lines 20-21),

designating an order of transmission of said first and at least said second data  
sets of digital data (page 14, line 14-page 15, line 10); and

controlling the flow of data by a flow control system (26) of said first and at least  
said second data set in accordance with said designated order (page 14, line 8-page  
16, line 10), so as to directly pass a controlled flow of data as a composite information  
stream from said flow control system (Fig. 2 and 4; page 16, lines 4-10) for a media  
player (page 8, lines 15-18), the composite information stream being made available for  
delivery over the internet to the media player (page 8, lines 15-18 and page 7, lines 13-  
19).

While Bar-el discloses where the data may be stored content or real-time content  
(Fig. 2; page 11, lines 20-21) and wherein the composite information stream is encoded  
for streaming over the Internet (page 7, lines 13-19 and page 8, lines 15-18),

he fails to specifically disclose receiving unencoded data not yet encoded for  
streaming and passing the unencoded data to a media encoder for encoding into an  
encoded information stream for a media player and ceasing passing data from said  
media delivery device, beginning passing data from said stored data source, ceasing  
passing data from said stored data source and returning to pass data from said media  
delivery device. the first data set being before the second data set in said designated  
order.



In an analogous art, Chen discloses a media distribution system (Fig. 1) which unencoded digital data not yet encoded for streaming (column 6, lines 10-21) is passed to a media encoder for encoding the digital data into an encoded information stream for a streaming media player (column 5, lines 1-28) for the typical benefit of allowing any type of video content to be transmitted as streaming content (column 5, lines 1-28 and column 1, lines 35-47).

Additionally, in an analogous art, Srinivasan discloses a media distribution system (Fig. 1; paragraph 201-202) which using a flow control system to create a composite stream from two separate media sources (paragraph 203-210) by passing data from a media delivery device (paragraph 204), ceasing passing data from said media delivery device (paragraph 204), beginning passing data from said stored data source (paragraph 204), ceasing passing data from said stored data source (paragraph 204), and returning to pass data from said media delivery device (paragraph 204), the first data set being before the second data second in designated order for the typical benefit of providing a means for providing personalized advertisements within commercial breaks within a video stream (paragraph 203-204).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el's system to include receiving unencoded data not yet encoded for streaming and passing the unencoded data to a media encoder for encoding into an encoded information stream for a media player, as taught in combination with Chen, for the typical benefit of allowing any type of video content to be transmitted as streaming content.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el and Chen's system to include ceasing passing data from said media delivery device, beginning passing data from said stored data source, ceasing passing data from said stored data source and returning to pass data from said media delivery device, the first data set being before said second data set in said designated order, as taught in combination with Srinivasan, for the typical benefit of allowing any type of video content to be transmitted as streaming content.

As to claim 33, Bar-el, Chen and Srinivasan disclose wherein at least one of said plurality of data sources is a live data source (page 11, lines 20-21) and at least one of said data sources is a stored data source (page 11, lines 8-21), and wherein said flow control system is configured to communicate with a data control manager to selectively pass, in response to commands from said data control manager, data from at least one of said live data sources and from one or more of said at least one stored data sources (page 14, line 8-page 16, line 21).

As to claim 34, Bar-el, Chen and Srinivasan disclose an encoder configured to receive and transform said composite information stream into an encoded composite information stream (see Bar-el at page 16, lines 4-10 and Chen at column 5, lines 1-28).

As to claims 6, 36 and 44, Bar-el, Chen and Srinivasan disclose wherein said stored data is downloaded from a web server and stored on a computer linked to said encoder (page 11, lines 8-19 and page 14, lines 14-21).

As to claim 38, Bar-el, Chen and Srinivasan disclose wherein at least one of said plurality of data sources provides live data (page 11, lines 20-21).

As to claim 39, Bar-el, Chen and Srinivasan disclose wherein at least one of said plurality of data sources includes a video feed (page 11, lines 20-21).

As to claim 40, Bar-el, Chen and Srinivasan disclose wherein said video feed is a television broadcast (column 6, lines 10-28).

As to claim 41, Bar-el, Chen and Srinivasan disclose wherein at least one of said plurality of data sources provides stored data (page 11, lines 8-21).

As to claims 42 and 45, Bar-el, Chen and Srinivasan disclose wherein said stored data includes commercial advertisements (page 12, lines 3-9).

As to claim 48, Bar-el, Chen and Srinivasan disclose  
designating an order of transmission of data from two or more of said plurality of data sources (page 14, line 14-page 16, line 10);

inserting said data into said composite information stream in said designated order (page 14, line 14-page 16, line 10); and

passing said composite information stream to said encoder (page 14, line 14-page 16, line 10 and column 6, lines 10-28).

As to claims 54 and 65, Bar-el, Chen and Srinivasan disclose wherein at least one of said plurality of data sources provides live data (page 11, lines 20-21).

As to claims 55 and 66, Bar-el, Chen and Srinivasan disclose wherein said live data is a video feed (page 11, lines 20-21).

As to claims 56 and 67, Bar-el, Chen and Srinivasan disclose wherein said video feed is a television broadcast (page 11, lines 20-21 and column 6, lines 10-28).

As to claims 57 and 68, Bar-el, Chen and Srinivasan disclose wherein at least one of said plurality of data sources provides stored data (page 11, lines 8-21).

As to claim 62, Bar-el, Chen and Srinivasan disclose wherein said composite information stream is to be experienced using a video monitor (Fig. 1).

As to claim 43, 58 and 69, while Bar-el, Chen and Srinivasan disclose stored data, they fail to specifically disclose wherein the stored data is in an AVI file, a GIFF

file, a file compressed according to JPEG standards or a file compressed according to MPEG standards.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to a common industry data standard, such as AVI, GIFF, JPEG or MPEG, based upon the desired media characteristics and format of the system and to ensure compatibility with other equipment processing the data.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan's system to include wherein the stored data is in an AVI file, a GIFF file, a file compressed according to JPEG standards or a file compressed according to MPEG standards for the typical benefit of utilizing one of a plurality of industry standard media formats.

4. Claims 11, 14-18, 28, 35, 37, 49-51 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Chen and Srinivasan and further in view of Eldering et al. (Eldering) (US 2002/0026638 A1) (of record).

As to claim 11, while Bar-el, Chen and Srinivasan disclose stored data, they fail to specifically disclose wherein the data is in an audio video interleaved file.

In an analogous art, Eldering '638 discloses a system for inserting commercials (paragraph 21) wherein the advertisements are in an audio video interleaved (AVI) file (paragraph 37) for the typical benefit of utilizing an industry standard Internet readable format for distribution and display of the video (paragraph 37).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include wherein the data is in an audio video interleaved file, as taught by Eldering '638, for the typical benefit of taking advantage of and conforming to existing industry standards.

As to claim 14, while Bar-el, Chen and Srinivasan disclose a flow control system and information related to a desired order of data delivery from said stored data source, they fail to specifically disclose a queue for passing information related to the desired order.

In an analogous art, Eldering '638 discloses a system for inserting commercials (paragraph 21) wherein an adjustable queue is created to indicate the desired order for advertisement display (Fig. 3; paragraph 65) for the benefit of allowing more control over the scheduling and the viewing of upcoming advertisements (paragraph 74 and 50).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include a queue for passing information related to the desired order, as taught by Eldering '638, so as to provide more control over the scheduling of upcoming advertisements.

As to claim 15, Bar-el, Chen and Srinivasan and Eldering '638 disclose wherein said data control manager passes said control instructions via the Internet (see Eldering '638 at paragraph 62 and 66).

As to claim 16, Bar-el, Chen and Srinivasan and Eldering '638 disclose wherein said queue is remotely alterable (see Eldering '638 at paragraph 62 and 66).

As to claim 17, Bar-el, Chen and Srinivasan and Eldering '638 disclose wherein said queue is altered by transferring information over a computer network (see Eldering '638 at paragraph 62 and 66).

As to claim 18, Bar-el, Chen and Srinivasan and Eldering '638 disclose wherein said queue is altered by downloading information from the Internet (see Eldering '638 at paragraph 62 and 66).

As to claim 28, Bar-el, Chen and Srinivasan and Eldering '638 disclose wherein said queue is an advertisement queue (see Eldering '638 at paragraph 62 and 65).

As to claims 35 and 37, while Bar-el, Chen and Srinivasan disclose a flow control system and information related to a desired order of data delivery from said stored data source, they fail to specifically disclose an electronic queue.

In an analogous art, Eldering '638 discloses a system for inserting commercials (paragraph 21) wherein an electronic queue is created to indicate the desired order for advertisement display (Fig. 3; paragraph 65) for the benefit of allowing more control

over the scheduling and the viewing of upcoming advertisements (paragraph 74 and 50).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to Bar-el, Chen and Srinivasan to include an electronic queue, as taught by Eldering '638, so as to provide more control over the scheduling of upcoming advertisements.

As to claim 49, while Bar-el, Chen and Srinivasan disclose transferring data sets in accordance with a designated transmission order to said flow control system, they fail to specifically disclose placing a plurality of data identifiers in an order and transferring names of data sets that are associated with said data identifiers in said data identifier order.

In an analogous art, Eldering '638 discloses a system for inserting commercials (paragraph 21) wherein an adjustable queue is created to indicate the desired order for advertisement display (Fig. 3; paragraph 65) by placing a plurality of data identifiers in order within the queue (paragraph 46 and 65) and transferring names of data sets that are associated with said data identifiers in said data identifier order (paragraph 63 and 65) for the benefit of allowing more control over the scheduling and the viewing of upcoming advertisements (paragraph 74 and 50).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include placing a plurality of data identifiers in an order and transferring names of data sets that are



associated with said data identifiers in said data identifier order, as taught by Eldering '638, so as to provide more control over the scheduling of upcoming advertisements.

As to claim 50, Bar-el, Chen and Srinivasan and Eldering '638 disclose loading a named data set into an encoder (page 11, lines 8-13 and page 16, lines 11-16) and transmitting said named data set to a media player (page 2, lines 14-22 and page 8, lines 15-18).

As to claim 51 Bar-el, Chen and Srinivasan and Eldering '638 disclose passing said data identifiers to said flow controller (page 14, line 14-page 16, line 16) in said data identifier order (see Eldering '638 at paragraph 65).

As to claim 64, while Bar-el, Chen and Srinivasan disclose a flow control system and designating a predetermined data transmission order (column 9, lines 36-52), they fail to specifically disclose an electronic queue.

In an analogous art, Eldering '638 discloses a system for inserting commercials (paragraph 21) wherein an electronic queue is created to indicate the desired order for advertisement display (Fig. 3; paragraph 65) for the benefit of allowing more control over the scheduling and the viewing of upcoming advertisements (paragraph 74 and 50).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include an electronic queue, as taught by Eldering '638, so as to provide more control over the scheduling of upcoming advertisements.

5. Claims 2, 3, 24, 25, 29, 31, 32, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Chen and Srinivasan and further in view of Aras et al. (Aras) (5,872,588) (of record).

As to claim 24, while Bar-el, Chen and Srinivasan disclose receiving a controlled data flow of data passed to said encoder from said stored data source by said flow controller, they fail to specifically disclose a software log of events, said software log being created in response to said data flow, said software log containing a record of said data flow.

In an analogous art, Aras discloses a video distribution system (Fig. 1A) which will create a software log of events (column 7, lines 14-29) in response to received video/data streams (column 7, lines 6-29 and column 13, line 25-column 14, line 24) and which contains a record of the received video/data streams (column 7, lines 6-29 and column 13, line 25-column 14, line 24) for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include a software log of events, said software log being created in response to said data flow, said software log

containing a record of said data flow, as taught by Aras, for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

As to claim 25, Bar-el, Chen and Srinivasan and Aras disclose wherein said software log is transferable over the Internet (see Aras at column 26, lines 44-62 and Bar-el at page 7, lines 17-19).

As to claim 29, Bar-el, Chen and Srinivasan and Aras disclose wherein said software log is an advertising log (see Aras at column 11, table IV, column 8, lines 33-67).

As to claim 2 and 31, while Bar-el, Chen and Srinivasan disclose a media player communicating with said encoder to receive said composite information stream from said encoder, they fail to specifically disclose an identifier recorder which creates a record of the passage of a designated type of data to a media player and an identifier collector which enters a plurality of said created records into a common data file.

In an analogous art, Aras discloses a video distribution system (Fig. 1A) which will create a software log of events (column 7, lines 14-29) in response to received video/data streams (column 7, lines 6-29 and column 13, line 25-column 14, line 24) by classifying the received data with an identifier (column 7, lines 31-67 and column 13, lines 34-51), records the passage of a designated type of data to the display (column 13, lines 34-61) and entering the data into a collection table (column 3, line 59-column

14, line 24) for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include an identifier recorder which creates a record of the passage of a designated type of data to a media player and an identifier collector which enters a plurality of said created records into a common data file, as taught by Aras, for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

As to claim 3 and 32, Bar-el, Chen and Srinivasan and Aras disclose wherein said designated type of identifier identifies a commercial advertisement (see Aras at column 8, lines 33-67) and said common data file is an advertising log (see Aras at column 11, table IV).

As to claim 60, while Bar-el, Chen and Srinivasan disclose delivering said controlled flow to a media player, they fail to specifically disclose recording in a common data file the passage of a designated type of data to a media player.

In an analogous art, Aras discloses a video distribution system (Fig. 1A) which will create a software log of events (column 7, lines 14-29) in response to received video/data streams (column 7, lines 6-29 and column 13, line 25-column 14, line 24) by classifying the received data with an identifier (column 7, lines 31-67 and column 13, lines 34-51), records the passage of a designated type of data to the display (column

13, lines 34-61) and entering the data into a collection table (column 3, line 59-column 14, line 24) for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include recording in a common data file the passage of a designated type of data to a media player, as taught in combination with Aras, for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

As to claim 61, Bar-el, Chen and Srinivasan and Aras disclose wherein said designated type of identifier identifies a commercial advertisement (see Aras at column 8, lines 33-67) and said common data file is an advertising log (see Aras at column 11, table IV).

6. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Chen and Srinivasan and Eldering '638 and further in view of Aras.

As to claim 52, while Bar-el, Chen and Srinivasan and Eldering '638 disclose a media player communicating with said encoder to receive said composite information stream from said encoder, they fail to specifically disclose recording in a common data file the passage of an identifier associated with a designated type of named data set to said encoder.

In an analogous art, Aras discloses a video distribution system (Fig. 1A) which will create a software log of events (column 7, lines 14-29) in response to received video/data streams (column 7, lines 6-29 and column 13, line 25-column 14, line 24) by classifying the received data with an identifier (column 7, lines 31-67 and column 13, lines 34-51), records the passage of a designated type of data to the display (column 13, lines 34-61) and entering the data into a collection table (column 3, line 59-column 14, line 24) for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan and Eldering '638 to include recording in a common data file the passage of an identifier associated with a designated type of named data set to said encoder, as taught in combination with Aras, for the typical benefit of better monitoring and identifying programming and advertisements viewed by subscribers.

As to claim 53, Bar-el, Chen and Srinivasan and Eldering '638 and Aras disclose wherein said designated type of identifier is a commercial advertisement (see Aras at column 8, lines 33-67) and said common data file is an advertising log (see Aras at column 11, table IV).

7. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Chen and Srinivasan in view of Schmelzer et al. (Schmelzer) (5,424,770) (of record).

As to claim 22, while Bar-el, Chen and Srinivasan disclose a control signal identifying where to insert content, they fail to specifically disclose wherein the control signal is embedded in said media delivery device data.

In an analogous art, Schmelzer discloses commercial insertion for a video distribution system (column 3, lines 42-62) wherein the incoming signal is monitored for an audio cue tone (column 12, lines 20-34) to indicate the beginning of a commercial break (column 12, lines 20-34) for the typical benefit of utilizing an industry standard method of indicating commercial break (column 12, lines 20-23).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include wherein the control signal is embedded in said media delivery device data, as taught by Schmelzer, for the typical benefit of utilizing an industry standard method of indicating commercial break.

As to claim 23, Bar-el, Chen, Srinivasan and Schmelzer disclose wherein the control signal is an audible tone (column 12, lines 20-34).

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Chen and Srinivasan in view of Hooks et al. (Hooks) (6,169,542) (of record).

As to claim 8, while Bar-el, Chen and Srinivasan disclose wherein said flow control system will output advertisements for display, they fail to specifically disclose allowing a user to obtain information about content displayed in said commercial advertisements.

In an analogous art, Hooks discloses a content distribution system (Fig. 1) wherein user's are presented with the option to obtain additional information about content displayed in said commercial advertisements (Fig. 9; column 11, lines 44-65) for the typical benefit of conveniently providing supplemental information desired by consumers (column 1, line 36-column 2, line 35).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include allowing a user to obtain information about content displayed in said commercial advertisements, as taught in combination with Hooks, for the typical benefit of conveniently providing supplemental information desired by consumers.

As to claim 9, Bar-el, Chen and Srinivasan and Hooks disclose wherein said flow control system allows a user to order products or services that are associated with said content (see Hooks at Fig. 9; column 11, lines 44-65).

9. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Chen and Srinivasan in view of Ludtke (6,154,206) (of record).



As to claim 63, while Bar-el, Chen and Srinivasan disclose wherein said composite information stream is to be experienced using an output device (column 10, lines 27-34), they fail to specifically disclose a personal digital assistant (PDA).

In an analogous art, Ludtke discloses a content distribution system (column 4, lines 24-56) wherein the output device for display may include a personal digital assistant (column 5, line 62-column 6, line 12) for the benefit of providing the user with numerous options for media display (column 5, line 62-column 6, line 12) and the convenience of a portable display device.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan to include wherein the output device is a personal digital assistant (PDA), as taught by Ludtke, for the benefit of providing the user with numerous options for media display and the convenience of a portable display device.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-el, Chen and Srinivasan and Eldering '638 in view of Kozdon (6,385,192) (of record).

As to claim 19, while Bar-el, Chen and Srinivasan and Eldering '638 disclose altering the queue based upon received signals, they fail to specifically disclose pressing buttons on a telephone key pad.

In an analogous art, Kozdon discloses a communication system (Fig. 3) wherein keypad buttons on a telephone are utilized to generate signals for transmission over the Internet (column 4, lines 24-33) for controlling a remote computer system (column 1,

lines 22-35) for the typical benefit of allowing remote computer access through widely distributed and convenient telephone systems.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Bar-el, Chen and Srinivasan and Eldering '638 to include pressing buttons on a telephone key pad, as taught by Kozdon, for the typical benefit of allowing widely known and utilized telephones to conveniently access a remote computer system.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is

(571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/  
Primary Examiner, Art Unit 2424

JS